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## IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION



In re:	)	Chapter 11
IGNITE RESTAURANT GROUP, INC., et al.,1	)	Case No. 17-33550 (DRJ)
Debtors.	)	(Jointly Administered)
	_)	(Docket No. 1370)

# ORDER SUSTAINING FIFTH OMNIBUS OBJECTION TO CLAIMS PURSUANT TO SECTION 502(B) OF THE BANKRUPTCY CODE AND RULE 3007 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE SEEKING TO DISALLOW AND EXPUNGE CERTAIN CLAIMS

#### (UNLIQUIDATED CLAIMS)

Upon the objection (the "Objection")<sup>2</sup> of Drivetrain, LLC, in its capacity as Trustee (the "GUC Trustee") of the Ignite Restaurant Group GUC Trust (the "GUC Trust") seeking entry of an order (this "Order") disallowing and expunging the Unliquidated Claims identified on **Schedule 1** attached hereto, it is HEREBY ORDERED THAT:

- 1. The Objection is sustained as set forth herein.
- 2. Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rule 3007, each Unliquidated Claim identified on **Schedule 1** to this Order is disallowed and expunged in its entirety.
- 3. The Debtors' Claims Agent is authorized and directed to update the claims register maintained in these chapter 11 cases to reflect the relief granted in this Order.

<sup>&</sup>lt;sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number (if any), are: Ignite Restaurant Group, Inc. (1359); Ignite Restaurant Group – RSC LLC (1791); Joe's Crab Shack, LLC (4189); Joe's Crab Shack – Redondo Beach, Inc. (5107); BHTT Entertainment, LLC (9818); Ignite Restaurants – New Jersey, LLC (5907); Joe's Crab Shack – Maryland, LLC (5297); Joe's Crab Shack – Anne Arundel MD, LLC (9318); Brick House Development, LLC (2944); JCS Monmouth Mall – NJ, LLC (3509); JCS Development LLC (4235). The Debtors' service address is: 10555 Richmond Avenue, Houston, Texas 77042.

<sup>&</sup>lt;sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Objection.

- 4. Each claim and the objections by the GUC Trustee to each claim identified in <a href="Schedule1">Schedule1</a> constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order will be deemed a separate order with respect to each Unliquidated Claim.
- 5. Proof of claim number 1080 filed by BDO USA LLP shall be liquidated and allowed as a general unsecured, non-priority claim in the total amount of \$49,376.01.
- 6. Proof of claim number 604 filed by Ronald Wright shall be liquidated and allowed as a general unsecured, non-priority claim in the total amount of \$300,000.00.
- 7. Proof of claim number 618 filed by Wendy Alley Tant shall be liquidated and allowed as a general unsecured, non-priority claim in the total amount of \$36,000.00.
- 8. Except as otherwise provided in this Order, nothing herein shall be deemed: (a) an admission as to the validity of any prepetition claim against a Debtor entity or such Debtor entity's estate; (b) a waiver of any party's right to dispute any prepetition claim on any grounds; (c) a promise or requirement to pay any prepetition claim; (d) an implication or admission that any particular claim is of a type specified or defined in this Objection or any order granting the relief requested by this Objection; (e) a request or authorization to assume any prepetition agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; or (f) a waiver of the GUC Trustee's rights under the Bankruptcy Code or any other applicable law.
- 9. The terms and conditions of this Order will be immediately effective and enforceable upon its entry.
- 10. The GUC Trustee, the Claims Agent, and the Clerk of the Court are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Objection.

11. This Court shall retain exclusive jurisdiction to resolve any dispute arising from or related to this Order.

Signed: March 25, 2019.

DAVID R. JONES

UNITED STATES BANKRUPT Y JUDGE

#### SCHEDULE 1

#### Ignite Restaurant Group, Inc. et al. GUC Trust 5th Omnibus Objection to Claims Schedule 1 – Unliquidated Claims

Note: Claimants are listed alphabetically.

SEQ NO.	NAME		S) TO BE DISALLOW		CLAIMED DEBTOR	CLAIM AMOUNT	GROUNDS FOR OBJECTION
1	NAME AIG PROPERTY CASUALTY INC AND ITS AFFILIATES IDENTIFIED ON THE ADDENDUM HERETO ATTN KEVIN J LARNER ESQ 80 PINE ST 13TH FL NEW YORK, NY 10005	08/14/17	CASE NUMBER 17-33550	372	Ignite Restaurant Group, Inc.	Unsecured: Unliquidated	No Amount Asserted Claim Filed As Unliquidated.
2	ANN IVERSON 2216 N STEELE MESA, AZ 85207	09/01/17	17-33550	987	Ignite Restaurant Group, Inc.	Unsecured: Unliquidated	No Amount Asserted Claim Filed As Unliquidated.
3	CAPPIE MANSFIELD C/O THE SIMMS FIRM PLC ATTN STEPHANIE DURAN 11325 RANDOM HILLS RD STE 360 FAIRFAX, VA 22030	08/29/17	17-33550	605	Ignite Restaurant Group, Inc.	Unsecured: Unliquidated	No Amount Asserte Claim Filed As Unliquidated.
4	CARMEN DUNHAM C/O ROSENBAUM & ASSOCIATES 1818 MARKET ST STE 3200 PHILADELPHIA, PA 19103	07/24/17	17-33550	261	Ignite Restaurant Group, Inc.	Unsecured: Unliquidated	No Amount Asserte Claim Filed As Unliquidated.
5	CARMEN DUNHAM C/O ROSENBAUM & ASSOCIATES 1818 MARKET ST STE 3200 PHILADELPHIA, PA 19103	07/31/17	17-33550	288	Ignite Restaurant Group, Inc.	Unsecured: Unliquidated	No Amount Asserte Claim Filed As Unliquidated.
6	CYNTHIA SESSUMS AS PARENT OF BS 402 BRYAN AVE BRANDON, FL 33511	08/30/17	17-33550	633	Ignite Restaurant Group, Inc.	Unsecured: \$0.00*	No Amount Asserte Claim Filed As Unliquidated.
7	F PHILIP HANDY PO BOX 3090 WINTER PARK, FL 32790	08/24/17	17-33550	426	Ignite Restaurant Group, Inc.	Unsecured: Unliquidated	No Amount Asserte Claim Filed As Unliquidated.
3	FRANCHISE TAX BOARD PO BOX 2952 SACRAMENTO, CA 95812	03/19/18	17-33550	1455	Ignite Restaurant Group, Inc.	Unsecured: Unliquidated	No Amount Asserte Claim Filed As Unliquidated.
9	FRANCHISE TAX BOARD PO BOX 2952 SACRAMENTO, CA 95812	03/19/18	17-33552	1456	Joe's Crab Shack, LLC	Unsecured: \$0.00	No Amount Asserte Claim Filed As Unliquidated.
0	GWENDOLYN DENNIS C/O CHRISTOPHER T MOYER ESQUIRE 1818 MARKET ST STE 3620 PHILADELPHIA, PA 19103	07/31/17	17-33550	289	Ignite Restaurant Group, Inc.	Unsecured: \$50,000.00*	No Amount Asserte Claim Filed As Unliquidated.
1	GWENDOLYN DENNIS C/O CHRISTOPHER T MOYER ESQUIRE 1818 MARKET ST STE 3620 PHILADELPHIA, PA 19103	07/31/17	17-33552	290	Joe's Crab Shack, LLC	Unsecured: \$50,000.00*	No Amount Asserte Claim Filed As Unliquidated.
2	JOSEPH N STEIN 29 BRIDINGTON LAGUANA NIGUEL, CA 92677	09/01/17	17-33550	980	Ignite Restaurant Group, Inc.	Unsecured: Unliquidated	No Amount Asserte Claim Filed As Unliquidated.
3	KEVIN COTTINGIM C/O HOOVER SLOVACEK LLP ATTN CURTIS MCCREIGHT 5051 WESTHEIMER STE 1200 HOUSTON, TX 77056	09/01/17	17-33550	1037	Ignite Restaurant Group, Inc.	Unsecured: Unliquidated	No Amount Asserte Claim Filed As Unliquidated.
4	MAC ACQUISITION LLC 1855 BLAKE STREET SUITE 200 DENVER, CO 80202	08/31/17	17-33550	995	Ignite Restaurant Group, Inc.	Unsecured: \$0.00*	No Amount Asserte Claim Filed As Unliquidated.
5	MAC ACQUISITION LLC 1855 BLAKE STREET SUITE 200 DENVER, CO 80202	08/31/17	17-33558	996	BHTT Entertainment, LLC	Unsecured: \$0.00*	No Amount Asserte Claim Filed As Unliquidated.
6	NEW YORK STATE DEPARTMENT OF LABOR ATTN JEAN HOFFMAN STATE OFFICE CAMPUS BLDG 12 RM 256 ALBANY, NY 12240	08/28/17	17-33558	556	BHTT Entertainment, LLC	Secured: \$0.00 Unsecured: \$0.00 Priority: \$0.00 Admin: \$0.00 503(b)(9): \$0.00	No Amount Asserte Claim Filed As Unliquidated.

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Ignite Restaurant Group, Inc. et al. GUC Trust 5th Omnibus Objection to Claims Schedule 1 – Unliquidated Claims

Note: Claimants are listed alphabetically.

SEQ		CLAIM(S) TO BE DISALLOWED & EXPUNGED					GROUNDS FOR
NO.	NAME	DATE FILED	CASE NUMBER	CLAIM NO.	CLAIMED DEBTOR	CLAIM AMOUNT	OBJECTION
17	NEW YORK STATE DEPARTMENT OF LABOR ATTN JEAN HOFFMAN STATE OFFICE CAMPUS BUILDING #12, ROOM #256 ALBANY, NY 12240	08/28/17	17-33551	550	Ignite Restaurant Group - RSC LLC	Unsecured: Unliquidated	No Amount Asserted. Claim Filed As Unliquidated.
18	RODNEY MORRIS C/O HOOVER SLOVACEK LLP ATTN CURTIS MCCREIGHT 5051 WESTHEIMER STE 1200 HOUSTON, TX 77056	09/01/17	17-33550	1023	Ignite Restaurant Group, Inc.	Unsecured: Unliquidated	No Amount Asserted. Claim Filed As Unliquidated.
19	SHAUNA RYAN KING 5909 LUTHER LANE DALLAS, TX 75225	08/30/17	17-33550	938	Ignite Restaurant Group, Inc.	Unsecured: Unliquidated	No Amount Asserted. Claim Filed As Unliquidated.
20	STEFFANIE LYN RIGETTA C/O WILLIAM TONELLI ESQ 719 VASSAR ST ORLANDO, FL 32804	08/17/17	17-33558	396	BHTT Entertainment, LLC	Unsecured: Unliquidated	No Amount Asserted. Claim Filed As Unliquidated.

<sup>\*</sup> Denotes an unliquidated component.